

### **DETAILED ACTION**

1. This office action is responsive to communication filed on January 14, 2009.

#### ***Election/Restrictions***

2. The amendment filed on January 14, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they present subject matter different in scope and content than the previously presented claims. For instance, the previous claims were directed toward a digital camera toolbox having five selectable buttons, the toolbox used to control camera settings, view images in the camera, download images from the camera, and upload images from the camera to the internet. The newly presented claims are directed solely toward a type of user interface for selecting thumbnails and uploading image data represented by the thumbnails via the internet, with the user interface displaying the plurality of thumbnails along with a single button for uploading the thumbnails. MPEP § 806.05(c) states that where a combination as claimed does not require the details of the subcombination as separately claimed and the subcombination has separate utility, the inventions are distinct and restriction is proper if reasons exist for insisting upon the restriction, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search. The combination previously claimed (i.e. the digital camera toolbox) does not require the details of the presently claimed subcombination (i.e. the user interface for uploading images), and the user interface presently claimed has separate utility as a

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stand-alone device for uploading captured images to the internet outside the confines of the digital camera toolbox previously claimed. Had the newly presented claims been presented concurrently with the previously presented claims, a proper restriction requirement would have been made by the examiner due to the search burden imposed by the unique nature of the two separate inventions.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh N Tran/  
Supervisory Patent Examiner, Art Unit 2622